

Colleen A. Snyder (SB No. 274064)
Snyder & Shaw LLP
3220 S. Higuera Street, Suite 220
San Luis Obispo, CA 93401
Telephone: (805) 439-4646
Facsimile: (805) 301-8030
colleen@snydershaw.com

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M.C., a conserved adult; by and through his
conservator, Amy Dorsey,

Plaintiff,

v.

Del Norte Unified School District,

Defendant.

CASE NO.: 1:24-cv-08680

**~~[PROPOSED]~~ ORDER APPOINTING
GUARDIAN AD LITEM**

On December 3, 2024, Amy Dorsey, as conservator of M.C., a disabled adult, and Defendant Del Norte Unified School District (“the District”), filed a Joint Petition for Approval of Minor’s Compromise. The same day, Plaintiff M.C. filed a petition to appoint his mother, Amy Dorsey, as *guardian ad litem* to represent him in this matter.

“To maintain a suit in a federal court, a child or mental incompetent must be represented by a competent adult.” *Doe ex rel. Sisco v. Weed Union Elementary School Dist.*, 2:13-cv-01145, 2013 WL 2666024 at *1 (E.D. Cal. June 12, 2013) (citation omitted). Rule 17(c) governs the appearance of minors and incompetent persons in federal court. Rule 17(c)(1) prescribes: “The following representative may sue or defend of behalf of a minor or incompetent person: (A) a general guardian; (B) a committee; (C) a conservator; or (D) a like fiduciary.” Rule 17(c)(2) states that, “[a] minor or an incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court must appoint a

guardian ad litem — or issue another appropriate order — to protect a minor or incompetent person who is unrepresented in an action.”

A court has broad discretion in ruling on a *guardian ad litem* application. *Basque v. Cty. of Placer*, 2017 U.S. Dist. LEXIS 117290 at *2 (E.D. Cal. July 26, 2017). In general, a parent is presumed to act in his or her child’s best interest. See *Parham v. J.R.*, 442 U.S. 584, 604 (U.S. 1979) (noting general presumption that parents are presumed to act in the child’s best interest). Upon review, the Court finds Plaintiff M.C.’s request to appoint Amy Dorsey as his *guardian ad litem* should be granted. Ms. Dorsey, as Plaintiff M.C.’s mother and conservator, is presumed to act in his best interests, and there is nothing before the Court to undermine that presumption here.

Accordingly, **IT IS ORDERED** that:

1. Plaintiff M.C.’s “Petition for Guardian ad Litem” is GRANTED; and
2. Amy Dorsey is hereby appointed as Plaintiff M.C.’s guardian ad litem.

Dated: **December 10, 2024**



UNITED STATES DISTRICT JUDGE
MAGISTRATE